

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DON DEWAYNE DOWELL,

05-CV-1671-JE

Petitioner,

ORDER

v.

JEAN HILL,

Respondent.

**STEVEN T. WAX**

Federal Public Defender

**THOMAS J. HESTER**

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**BROWN, Judge.**

Magistrate Judge John Jelderks issued Findings and Recommendation (#54) on May 1, 2008, in which he recommended this Court deny Petitioner Don Dewayne Dowell's Petition for Writ of Habeas Corpus (#1) and enter a judgment dismissing this matter with prejudice. Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#54). Accordingly, the Court **DENIES** the Petition

for Writ of Habeas Corpus (#1) and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 24<sup>th</sup> day of June, 2008.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge